

[27th March 1928]

MARRIAGEABLE AGE OF BOYS AND GIRLS

* In the absence of Messrs. Ramjee Rao, Manikkavelu Nayakar and Bhemayya, Dr. (Mrs.) S. MUTHULAKSHMI REDDI, with the permission of the House, moved the following resolution:—

'This Council recommends to the Government that they may be pleased to communicate to the Government of India that in the opinion of this Council legislation raising the marriageable age of boys and girls to at least 21 and 16 years, respectively, is necessary.'

"I beg to move this resolution on behalf of the woman population of this country because, Sir, owing to the prevalence of the early marriage system among the higher class Hindus the advent of a girl baby is never welcome, the birth of a girl is looked upon as a great piece of misfortune especially if the parents are poor; the responsibility of finding a decent suitable husband for her is already felt so keenly as to kill even the paternal and the maternal love with the sad result that in many poor families girl children are neglected from the moment of their birth.

"In a few instances I have seen the girl babies allowed to die out of sheer neglect by their own parents. I know, Sir, after the ordeal of labour is over and the baby's first cry is heard, the parents, grandparents and every one of the relations will be eager to know the sex of the child. Many a time I had to hide the unpleasant truth from them when the baby happened to be a girl, because even among the well-to-do the news will be received with feelings of sorrow and disappointment. I have very often desisted from breaking the sad news to the mother lest it should give her a shock or add to the shock especially if the labour had been a prolonged or instrumental one. Even the poor mother may be blamed for having given birth to a girl. The medical woman on attendance will not be remunerated properly. People in their sorrow will forget even the usual practice of distributing sugar and pans to their friends and relations. The whole house will put on a gloomy appearance. The grandparents with great reluctance will break the unwelcome news to their relations and friends; if a boy baby, just the reverse state of things will prevail, when wires, not letters, will take the news to distant places; if a girl, not even an ordinary letter message will be sent to relations.

"Thus owing to this evil custom of child marriage the girl child, even from the moment of her birth becomes a concern and a burden on her family. As she approached her eighth or ninth year, her parents begin to talk of her marriage, her future husband and the probable expenses. So care and anxiety takes hold of the family.

"Naturally the girl shares in the feelings of her parents. We know of many instances when the sensitive girls burnt themselves to death with kerosene oil to save the parents the expense and annoyance of their marriage. Even such tragedies have failed to move the country into action. The sacrifice of such young innocent pure lives have failed to eradicate this pernicious practice, which reveals the horrid fact that what a stronghold this custom has upon our society. Very often she is stopped from attending the school.

"When the bridegroom is actually settled, there is nothing but the talk of marriage and the preparations for the marriage in that house.

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"The girl loses all her childlike innocence, becomes shy, reticent, imitates all the ways and manners of the elderly women of the family. The women in the house having no other outside recreation or distraction indulge in such talks as to infuse into the minds of these girls the sex ideas of a mature brain. After the marriage, the girl becomes the property of the bridegroom's parents and undue restrictions are placed on her movements. She should not run about or play or talk loudly or laugh in the presence of her mother-in-law or strangers. Thus she is robbed of the brightest period of her life, her girlhood and youth. She knows only childhood and womanhood. 'Thus from the period of infancy itself she is forced into the period of producing infants.'

"Already she begins to think of her home, her husband, her future children, jewels and clothes, etc. So she lives in a world of her own. Thus she is denied any useful knowledge or enjoyment of outside life except occasional visits to her relations and friends where also the women will gossip only of the jewels, clothes, mothers-in-law, fathers-in-law, husband, etc. To a small extent the conditions in the cities may be changing, but the lot of our girls in the rural parts is the same as ever.

"In such an atmosphere and with such a training it is no wonder the girl matures even before her body is fully developed to perform the function of wifehood and motherhood.

"If puberty is delayed beyond 14, the husband's people get ever-anxious and begin to consult the doctors. Many such cases have been brought to me for consultation. Sometimes the girl is made to live with her husband before even the first menses appears. I can bring to memory many such cases—

I. The Triplicane case of a child-wife having been burnt to death because she would not satisfy the animal passion of the husband is still fresh in our memory.

II. I can never forget the case of a girl wife of 12 who looked in her development like a child of ten having been forced to live with her husband who was an M.A., and who was well over 40, a huge figure, even before the girl attained her puberty. She happened to be the second wife and the girl had lost her mother and they were of the Rowjee caste.

"I pleaded for the girl with her husband but in vain. Except in a few and educated and well-to-do families a few months after the girl attains puberty the husband's people demand the girl. If the girl is not sent another marriage for the boy is brought about. The boy may be 16, 18 or 20, sometimes her husband is 50 or 60. Co-habitation will take place, the girl becomes pregnant when her age will be 13, 14 and rarely over 16.

"Mostly such cases end in abortions and miscarriages, the womb not being strong enough to retain the products of conception and to nourish them to their full growth and to full term.

"This very often happens on the day of 'Seemantham ceremony' owing to over-exertion and excitement. On that day the girl is decked with jewels and made to sit for a long time while visitors come and go and music is played. Rarely do pregnancies reach full term in these young immature

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girls and abortions and miscarriages are daily complaints among them. The girls become anæmic and weak and drag on a miserable existence, very often develop tuberculosis.

"In the course of one year they have three or four abortions. The cases that reach full term mostly end in either prolonged, tedious or instrumental labour with consequent disabilities to mother and child.

"During the sixteen years of medical practice among the higher class Hindus, I have attended on many a child mother ranging from 12 to 15 not without many fears and misgivings as to the ultimate results of those unnatural labours.

"I have sat by their bedside nights and days with a heavy heart vainly moaning over their miserable condition, a condition brought about, not of her own free will or choice, not by her own imprudence or misdeed, but by a blind meaningless custom of our society and the ignorant superstition of the parents.

"Thus I have watched the sufferings and pangs of labour in these young girls with ill-developed bodies bitterly cursing the very sky and soil which have given birth to a race that blindly allow their dear and most beloved children to be sacrificed to a mad custom, because in most of these cases the labour is unduly prolonged, goes on for days together and is acutely painful owing to the ill-developed muscles and immature condition of the reproductive organs.

"Very often the delivery has to be ended with instruments which further adds to the shock, to the pain and the dangers of that most critical period—dangers multiplied thousandfold owing to the practice of crude, unskilled, unscientific midwifery in the land.

"So even the birth of one child shatters her health and makes her so many years older.

"Again, I cannot describe to you, Sir, without a feeling of pang in my heart the miserable lot of our young Indian mothers, who themselves not keeping well owing to repeated conceptions, abortions and miscarriages have to look after half-a-dozen constantly ailing, fretful, sick children in the house.

"In the middle-class and poor families with an unsympathetic husband and an illiterate cruel-hearted mother-in-law, the lot of the poor young, inexperienced daughter-in-law is very hard indeed. She has to serve as a cook, as a nurse to her children, as the wife and a general servant in the house and in addition has to observe all the foolish acharams prescribed by the elders in the house.

"Such is the sad experience of eminent medical women in this country.

"This is a letter from Dr. Kugler, a lady who has spent 45 years of her precious life on this subject. She writes:

"It was in 1883 that I first arrived in India and my work as a physician among the women and children has afforded me very many opportunities of seeing the evils resulting from child marriage. I have often operated upon child mothers who have been seriously injured in child birth and I have seen many young mothers so injured that they could not again function as wives.

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'Were I to enter into the details of my long and varied experience I could give many instances that I have seen of the deleterious effect of child marriage and enforced widowhood, 12-30 p.m. I could also write much of the terrible infant mortality that makes India occupy so low a position in the health records of the world. . . . My own conviction is that if India is to develop she must have the courage of her conviction and be prepared to suffer for the carrying of them into effect.'

'There is another lady doctor of Vellore, Dr. Ida Scudder who writes to me as follows:

'During the twenty-seven years that I have been in Vellore, I have seen many disastrous results of child marriage and I will welcome the day when the age limit is raised to fifteen or sixteen.

'I would probably have never studied medicine and would not have come back to India had it not been for three child wives; none of them over 14 who died during one night in the station I was at the time. I was powerless to help. That was 30 years ago, but only a few months ago a girl of 13 or 14 came to me to be repaired for vesico vaginal fistula (a laceration of the private parts). She was like an innocent child and found it hard to understand what had happened to her. He was certainly between 50 or 60 and proved to be her husband and we still are brought face to face with the tragedy of the child wife and I rejoice that you are taking such a strong stand against it and believe you will win. I think the next thing the medical woman in India should eradicate is the ignorant barber woman *dhai*.'

'Dr. Macphail for whom we all entertain a high regard, a lady who has spent 50 years in the service of Indian womanhood tells the same tale. She writes:—

'During 40 years of medical work I have attended a good many labour cases, and it is my firm belief that the women of India have to endure an immense amount of unnecessary suffering at the time of delivery and that the high mortality is very largely due to their habits and the rules imposed on them by their social and religious customs and the overwhelming weight of public opinion. Considering the remarkable strength of family affection here and the devotion of parents to their children, it is a very remarkable fact, difficult to understand, that high caste parents insist on marrying their daughters while still children, thus submitting them to the risk of perpetual widowhood before they have realized what marriage means; or to have the marriage consummated while they are still undeveloped and not fully grown.

'I have attended six young girls who were about twelve years old, certainly not yet thirteen and I have attended many who were in their fourteenth or fifteenth year. Almost invariably these labours were abnormally long and difficult and the inevitable suffering was greatly increased by terror. In one case the young mother went insane during labour from terror and pain, and it was many months before she recovered from the nervous shock and strain and was able to take her place in the family. When they do survive this ordeal, the salvation of these young mothers lies in the fact that the babies are usually very small. But it is a very sad outlook for the country if the children of the highest caste are so feeble, puny and undeveloped as many of these children prove to be. Many of these young mothers, we all know, are permanently injured and never really recover.

'It is cruelty to young girls from every point of view to have even the betrothal marriage at so early an age, but it is infinitely worse to allow the consummation to take place while she is still a child, especially if the husband is not a boy a few years older than his bride, but an elderly man who possibly has grandchildren older than his wife. Things are bad enough in Madras but we all know that they are infinitely worse in the mufassal, where when a suitable bridegroom cannot be found for a young girl, her parents give her to any elderly man who is willing to take her since religion demands that she must be married before attaining puberty.

'Not only are the young girls of the higher castes subjected to suffering that early widowhood and motherhood means, but they never have a chance of enjoying the happy, care free girlhood which is considered to be the birthright of girls in the same station in other lands. They have to take on the risks and cares of bringing up children and of rearing them when their education and physical development should be their only care.'

'True it is that every female, whether plant or animal, has to go through that physiological period at one time or the other in its life cycle, but there is a stage in every life, there is a period of development which every living being awaits patiently before it is called upon to fulfil that supreme function of life.

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"Mature bones, mature muscles, nerves and fully developed reproductive organs ought to fulfil their legitimate primary and sacred function of every created life.

"So much for the poor child mothers.

"The infants of those child mothers are puny and small and the mother not having sufficient breast milk, the children have to be fed artificially which in the hands of ignorant and young inexperienced mothers is never done successfully, the result being high infantile mortality and morbidity.

"In spite of these sad experiences very often conception will take place before another full year is over. The same tale of suffering and hardships for the poor child mother will be repeated.

"These child mothers never enjoy life, they feel helpless, they submit to their lot as part of their natural existence and their evil 'Karma' while the parents of these girls feel equally miserable and helpless. The majority of these husbands being young and irresponsible cannot exercise self-control so as to give their partners rest from these child bearing functions.

"As for the boy husband his lot is very often more to be pitied; even while he is a student he is burdened with the heavy responsibility of a family and he has to attend on his sick wife and children and he has to spend sleepless nights, has to rush home after the school period is over, constantly call in the doctor; very often when his wife is subject to constant abortions, his time will be spent between the doctor's and the chemist's.

"Before he finishes his education, he has to be contriving ways and means of earning a livelihood for himself and his family. How could we expect him to reap the full benefit of education, how could we expect him to seek knowledge for knowledge sake?

"Where is the time and scope for research and for making original discoveries? How could we expect him to become independent, self-reliant and assertive?

"Before he reaches his manhood, before his intellect reaches its full growth and before he comes to know the world at its worth, the care and anxiety of home life overtake him. Thus the joy of his innocent boyhood is marred and distorted.

"Even before he attains his full physical and mental growth, he is the father of half-a-dozen children, perhaps already on the anxious quest for a bridegroom for his daughter.

"Another sad aspect of this early marriage is that these little girls at a period of their life when they can well afford to be happy, cheerful and enjoy life at its best, free from all the anxieties and worries of a family life are snatched away most mercilessly from their schools and playgrounds and the heavy burden and responsibility of home life is most cruelly imposed upon them when their mind and body is least prepared for such an ordeal.

"Thus not only these girls are denied the unsullied joy of the most innocent period of their life that period between their childhood and their womanhood, but also denied the education and enlightenment that is a part of that life that would best enable her to be an efficient housewife, a wise mother and a useful citizen. It is most deplorable, most regrettable that to

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a blind and meaningless custom devoid of any reason or judgment, the health, the happiness, the comfort and peace not only of those child wives and mothers, but also of our progeny is sacrificed and thus we allow ourselves to be styled a nation of pigmies.

"How could you expect a girl child of 10 or 12 or even 13 to know the full significance of a married life, to understand its responsibilities and to perform the sacred function of a mother—the function of training her children to become patriotic, good and useful citizens? How could you expect a girl of 12 or 13 or even 14 to maintain order and discipline in the home, to keep the home beautiful, clean and hygienic and how could you expect her to serve as your better half, to be your help-mate, and a friend in distress.

"Here is the definition of a wife given in *Mahabharata* :—

'A wife is half the man, his truest friend ;
A loving wife is a perpetual spring
Of virtue, pleasure ; wealth ; a faithful wife
Is his best aid in seeking heavenly bliss ;
A sweetly speaking wife is a companion,
In solitude, a father in advice
A mother in all seasons of distress,
A rest in passing through life's wilderness.'

"So, could you imagine for one moment that our ancients expected the above qualities in a girl wife of tender age, say 12, 13 or even 14?

"In addition to disease, suffering and death, by a system of child marriage you deny to yourself and your children the happiness and comforts of a well organized perfect home life, by a system of premature and ill-fitted alliances you deny to yourself all the joys of a happy wedlock and above all you do irreparable damage to the future race.

"The saddest consequence of all is the presence of a large number of child widows in our midst whose lot and status in a Hindu family is most deplorable.

"We are too painfully conscious that the child widows, for no fault of their own are subjected to such indignities, ill-treatment in a Hindu household that her life is rendered very miserable indeed. Here are the figures I have produced to convince the House of the iniquity of the evil custom even in our presidency.

"Number of married to the total women is 95 lakhs to 217 lakhs.

"Number widowed is 40.9 lakhs and thus it forms nearly half of the total number of married women.

Age.	Married.	Widowed.
0—5	20,369	1,316
5—10	123,472	6,146
10—15	537,205	23,623
15—20	1,176,063	60,544
20—25	1,769,587	157,025
25—30	1,655,742	223,384
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"The great physicians Sushruta and Charaka advocate marriage for a girl only after 16 and for a boy after 24. We know also during the Vedic period and the Puranic period of our history no early marriage was practised. 'Swayamvāra' or marriage by choice was in vogue.

"Damayanthi, Sita, Savitri and a host of our great women who ornament our history were allowed full freedom in the matter of choosing their husbands. It was in Smṛithi period that this pernicious custom had invaded the Hindu society and the lives of such single women as Viswavara, Shashvathi, Gargi, Meitrayi, Apala, Gosha, Aditi, Romasha, Banumathi and Lilavathi illustrate the fact that marriage was not the only avocation for a woman, was not the end and aim of a woman's life. They could remain single and devote their lives to study, to research and to useful service.

"Baroda and Bharatpur have taken a step in advance. The Baroda Legislative Council has fixed the marriageable age for boys and girls at 18 and 14 respectively. The Maharaja of Kashmir has sanctioned a new law prohibiting marriage of girls before 14 and boys before 18. The Indian States of Gondal, Kotah, Mysore and Indore have enacted similar laws. The State of Rajkot leads all India as it has made the legal age at 15 and 19 for girls and boys respectively.

"This measure commands wide sympathy and support from all quarters, from the high and low. The enlightened manhood and womanhood of the country have been long demanding for this most urgent reform.

"For the last few months, this question has been agitating this country and several meetings have been held in its support as we all know. Of course there is a certain amount of ignorant, orthodox opposition, as for that in every country, however advanced it may be, there will be always opposition. I have got one of the memorials sent to me from a very orthodox quarter from Mayavaram. They say: 'We the Brahmans do not want to lose anything of the ancient traditions The Brahmans were quite content with the physical strength needed for performing our Vedic and religious duties and saying our sandhyavandhanam, etc.' Is that an argument, Sir, against the abolition of early marriages?

"There will always be a few backward set of people who are against any change in their practices and who are worshippers of mad custom. The Government and the thoughtful amongst us can well afford to ignore them because these are the very people, Sir, who want to maintain caste, untouchability, who want to keep down women and who do not want to move with the times.

"Surely they are not the right sort of people to be consulted on such vital matters like these, which concern the health, and happiness of millions of our men and women and the good name of our country.

"In no part of the civilized world does this custom obtain; in no part of the civilized world is the female life considered so cheap. Nations that do not indulge in such customs are happier, healthier and more prosperous—are physically stronger than we are.

"While we stick to such meaningless practices in the name of religion we suffer under so many disabilities.

"We are poverty-stricken; we are disease-stricken and we are not a free nation either.

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"So, if we want to grow into a strong, robust and a self-respecting nation, if we want to reach our full physical and mental height, the system of child marriage must go, because science and experienced observation tell us that a girl becomes a woman only after the age of 16 and a boy his manhood only after 21 years.

"The remedy lies in your hands.

"Sir, on behalf of the innocent, helpless, suffering girl children of this land, on behalf of millions of child wives, child mothers and child widows, I appeal to all sections of the House, Hindus, Muhammadans, Christians, that you may whole-heartedly and unanimously support this resolution so that millions of our girls may be saved from a life of premature widowhood, premature motherhood and enforced widowhood and a robust, virile and happy race may take the place of the present generation of weaklings."

Diwan Bahadur P. KESAVA PILLAI:—"Mr. President, Sir, I have great pleasure in seconding this resolution, and I have got the greatest admiration for the lady Deputy President, who has come back here to-day and has shown so much earnestness and spoken with such eloquence for a reform so much needed in our country. Of course, my Friend, the Raja of Ramnad, will laugh. (Laughter.) He says that he thinks that old people like us should support this motion." (Laughter.)

The RAJA OF RAMNAD:—"No, no."

* Diwan Bahadur P. KESAVA PILLAI:—"You said something like 'old people.' Sir, old people are anxious, having seen young people going wrong and having had experience to advise them, and can very well advise the Council to support a motion of this kind. The hon. the Mover has spoken with knowledge and experience of the state of things in some quarters that it will be graceful to allow a lady to plead successfully for such a reform and I hope that all the gentlemen here will be chivalrous enough to support this motion."

* The RAJA OF RAMNAD:—"On a word of personal explanation, Sir. I never said a word against this motion. I have my own views in the matter. I am in the main in agreement with hon. the Mover of this resolution. But what I did say was not meant for the information of this House. Now that the hon. Member from Bellary has dragged in my name, I may say that what I did say was that old men should not marry young girls." (Laughter)

* Diwan Bahadur P. KESAVA PILLAI:—"As though young people can marry half a dozen girls."

* The hon. the PRESIDENT:—"Order, order. The question is

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* Mr. S. ARPUDASWAMI UDAYAR:—"Mr. President, Sir, I move that the second part of my amendment, namely, that 14 be substituted for 16 years. I have listened carefully to the arguments advanced by the hon. the Mover of this resolution. I do admit that not only among the members of the Brahman and the Vaisya communities, but even among the . . ."

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* The hon. the PRESIDENT :—" Order, order. According to the amendment which is in my hands, the hon. Member wanted to substitute 16 and 14 for 21 and 16 respectively. Has he changed his mind since ? "

* Mr. S. ARPUDASWAMI UDAYAR :—" Sir, I move the latter half of the amendment, namely, 14."

* The hon. the PRESIDENT :—" Not the 16 ? The hon. Member has not intimated to me or the House his intention to do so. The hon. Member is not in order."

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* Mr. S. ARPUDASWAMI UDAYAR :—" May I move the original motion, Sir ? "

* The hon. the PRESIDENT :—" No, I cannot allow that. The hon. Member has lost his chance."

" The resolution is now for the consideration of the House."

* Mr. R. NAGAN GOWDA :—" Mr. President, Sir, in supporting the resolution moved by Dr. (Mrs.) Muthulakshmi Reddi, I wish to say just a few words. Sir, it is the common custom among a great many communities in this country, especially in communities that are not considered as socially high, to have marriages consummated at a much older age than among the highly placed castes. But nowadays even among these communities which are in a lower social scale the custom of early marriages is being practised. This is one of the things which the backward and the depressed classes people are learning from the higher classes. Sir, if not for anything else, at least for preventing this bad habit of child marriages creeping into the lower classes of the Hindu community, this resolution ought to be passed and the Government should raise the age of marriage to 21 and 16 years respectively. Among the Kurabars, the Boers and the Naicks, it is very common for girls to be married at 15, 16 and even 18 years of age."

" Sir, one of the evils that child marriage brings about is that there is no opportunity given to the girl to choose her own husband. A girl probably of 8, 10 or 12 years of age cannot say exactly what she thinks of her husband. If she only had known that she had a choice, probably in a great many cases, the girl would not have married the particular man at all. I have known of many cases where old men of 40 and 45 years of age and more have married young girls of 10, 12 and 15 years of age. I believe, Sir, the Raja of Ramnad was quite correct when he said that the cruelty against these girl brides is committed mostly by old people. Again, Sir, I wish to state that if the girls are a little bit grown up, they would know what kind of husbands to marry. As it is nowadays in a large number of cases girls are married to worthless fellows who are incapable of earning ; and in a very large number of cases, women have to work and earn for their husbands and the husbands only sit and enjoy."

" Sir, it has been said again and again by the orthodox people who are against raising the age of marriage that immorality creeps in. I want to say and say with all the power of expression that I can command that it is a falsehood. In the lower communities of the Hindu society, marriages, as I said before, take place at a very late age, and nothing happens. Besides, in these communities, unmarried girls and boys go and work in the fields together and nothing happens there. This custom is almost similar to the custom of co-education prevailing in foreign countries where there is no question of immorality coming in. The same thing is happening here as in

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other countries where boys and girls, not always married, go and work together in the fields all the day long and go back to their houses together without ever a word being said against their morality.

"I am reminded that even among the Nadar community this bad habit of marrying boys and girls when young is creeping in. I therefore hope that hon. Members will pass this resolution and thus raise the age of marriage of their daughters and sisters. Sir, for these reasons, I have great pleasure in supporting the resolution brought forward by Dr. Muthulakshmi Reddi."

Rao Bahadur Sir A. P. PATRO :—"Sir, this resolution reads :

'This Council recommends to the Government that they may be pleased to communicate to the Government of India that in the opinion of this Council legislation raising the marriageable age of boys and girls to at least 21 and 16 years, respectively, is necessary.'

"Sir, the matter of the marriageable age of boys and girls is a matter left to society and is regulated by custom. We are now asking the Government to pass legislation or to support legislation in the matter of placing restrictions with regard to certain social customs. The hon. Mover has placed before us pitiable cases of child widows and girl wives. We all realize the great misery, and the suffering of these young people; but at the same time we shall not be governed by emotion only in asking the Government to interfere in the matter of our social customs. Where shall we draw the line? Is it not to be left to society to advocate reform, to create public opinion in such manner as to alter the old customs to make room for the new? If we are to ask the Government to introduce legislation in the matter of one custom to-day, we will be giving room for the introduction of another similar legislation some time hence. Therefore, where society is governed by customs and by usage, is it right that we should ask the Government to adopt legislation? If legislation comes from the people themselves, then it will be for the Government to see what the public opinion is in the matter. Now, this matter is pending before the Government of India and a Bill has been introduced in the Legislative Assembly, and we have not yet been asked to express our opinion; but we are now going to recommend to the Government of India the opinion of the House. We want social reformation. I submit that it is not for us to say that this will not be the age and that will not be the age. That should be regulated by public opinion. We have to go very closely into this custom of early marriage before we give any opinion on the question of age. Sir, there are castes in India and in the Madras Presidency which are governed by that custom where reform was effected rapidly. There are also numerous castes in India which are governed by the post-puberty marriage custom. There are only a few more castes which claim that they are governed by the custom of early marriages. Sir, ever since the social reform movement was inaugurated about thirty years ago, the agitation has been kept up by social workers and the custom of early marriages is slowly going out. Even now we find among the Brahman communities that early marriage is not the rule. It is giving room even for post-puberty marriages. I have known cases where Brahman girls were married after attaining puberty in certain families. So, the old custom under which these Brahman girls were married when they were very young is now giving room to this better custom. We have heard of cases in towns and in urban areas and in fact in all places, except in orthodox centres, of Brahman girls being married at a fairly advanced age. Therefore, it seems to me that the agitation that has been kept up by the

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social reform associations all over the country has had its beneficial effect and that the opinion is changing for a better custom. It is therefore doubtful if we should intervene now by means of legislation and fix the marriage age at a certain limit for all castes. If by legislation we fix a certain age, how are we going to enforce it? Will society easily submit itself to a penalty? This aspect of the question also is raised on the Bill introduced in the Legislative Assembly. It is not an easy matter to fix a certain age. We are all agreed that there should not be this cruel system; but still in a country which is governed by custom and which is caste-ridden and castes follow post-puberty custom is it fair that we should impose by legislation restrictions on all the castes unless the people themselves realize and combat against the evils. Therefore it is open to all those who are interested in the movement to start social reform associations, carry on agitation and create public opinion in favour of giving up those customs along with this agitation, as it will do no good to introduce any legislation. Public opinion should be freely expressed in the matter, and let us have a more convenient atmosphere for carrying legislation. Such an opinion should be created in this province and in other provinces as well, in favour of this reform. A few meetings may be held here and there and a few meetings may pass resolutions in the name of the whole country; but it is necessary that we should select some centres where this opinion is held strongly by the people and there ascertain whether they are willing to accept this. Anyhow, I think it is too precipitous to fix any particular age. What may be convenient for us, to say that 21 years or 16 years may not be so convenient in the case of the agricultural people. Therefore, to fix a particular age, say 18 or 21, is not practicable, in the present state of the Hindu society. But I may say that while I sympathize with the object of the resolution, there are difficulties in the way of carrying it out and putting it into practical execution."

* **Mr. N. SIVA RAJ**:—"Mr. President, Sir, I rise to support this motion and I do not think I need add one word more to what has been said by Dr. Muthulakshmi Reddi in her able and eloquent speech. I do not think any one could champion the cause of the women of India so well as Dr. Muthulakshmi has done in this Council and elsewhere. On the question of the intrinsic merits of the resolution, I am entirely in agreement with what all she said. It is more on the question of introducing legislation in the Legislative Council and in the Legislative Assembly in respect of this matter that I am rising to speak, than on any other aspect of the question. I was somewhat surprised, Sir, at the attitude of the hon. Sir A. P. Patro upon this question. I thought he was one of those who held the opinion that in this country many of the evils which are perpetrated in the name of custom could be solved and remedied by passing a social legislation. In fact, one of the chief charges that ought to be laid at the doors of the British Government is the attitude of the religious—and if I may say so—the social neutrality that they have adopted since they came to this country. If at the time legislation was introduced regarding the abolition of Sati and other horrible customs, they had introduced legislation regarding this question also, it would have been solved long long ago. And now, I am afraid, it is too late for people to come and say that Legislative Councils and Legislative Assemblies should not interfere in the matter of social legislation. On the other hand, Sir, we the members of the depressed classes, are out for social reform, and in doing so, we want to use the only instrument that is now available in

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the country, viz, the Legislative Councils and the Assembly, for the solution of these various social problems. As a matter of fact, Sir, in this country, crimes are committed in the name of custom, and some people say that custom can override law. So far as social questions are concerned, I think Government are playing a game of hide and seek.

"I think it is high time for us to recognize that custom is not a defence 1 p.m. to perpetuate an evil and therefore I say that we should put the force of law against custom. Besides I think in these matters we ought to recognize the truth that our country is slow to recognize the value of these reforms. And hence, Sir, I plead that the Legislative Assembly and Legislative Councils must give a lead to the country outside. Therefore I support this resolution heartily."

Rao Bahadur Sir A. P. PATRO:—"On a point of personal explanation, Sir, I never said that social legislation was undesirable."

* The hon. the PRESIDENT:—"The hon. Member said that this particular kind of social legislation was undesirable."

* The hon. Mr. A. Y. G. CAMPBELL:—"Sir, I have listened with great interest to the various speeches that have been made and there is no doubt that all of us have been very much impressed with the evils resulting from early marriages. The hon. the Mover of this resolution has pointed out how the evil has a depressing effect on a girl from her earliest childhood, how early consummation of her marriage undermines her own health and that of her children and what unfortunate social results it has for her if she happens to become a widow. I do not think there is any one here who has not the greatest sympathy with the object with which this resolution is moved. But the main question to my mind in this resolution is whether the best remedy for this recognized evil is by legislation or by other methods. I listened patiently for some indication as to the lines on which this proposed legislation should be undertaken and for some proof that such legislation is likely to be successful and for some statement as to the extent that such legislation which has been undertaken in the past has proved successful. But I listened in vain. There are two methods which have been at various times adopted or suggested in dealing with this question by legislation. One has been to raise the age of consummation of marriage. I suppose the House is aware it is an offence if the husband has sexual intercourse with his wife if the wife is below a certain age. That age was raised from 10 to 12 in 1891 and it was raised again in 1925 from 12 to 13. The age of 13 was arrived at in 1925 as a compromise between the various interests in the Legislative Assembly. The matter was discussed at considerable length in the Assembly but not as a party question; persons who were generally opposed to each other found themselves ranged side by side on this question. It has been already pointed out that in recent years there has been considerable progress in this matter; and statistics quoted in the Legislative Assembly by Mr. M. K. Acharya go to show that the percentage of girls whose age at the time of marriage is between 10 and 15 is fast decreasing; in Bombay the age of the girls at marriage was between 10 and 15 in 660 out of 1,000 cases in 1891 and it was 548 out of 1,000 in 1921. In Madras similar figures were 318 out of a 1,000 in 1891 and 234 in 1921. Similar figures can be quoted for Bengal and other provinces. That shows that there has been considerable progress in doing away with this evil. Can

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we say that that progress has been due to the legislation which has already been undertaken? We have recently received from the High Court statistics of the number of prosecutions and convictions under section 376 of the Indian Penal Code, which relates to rape, when the accused was the husband of the woman. The number of cases during the five years preceding the Act of 1925 was nil and the number of cases since the Act has also been nil. It is hardly to be wondered at that there were no prosecutions at all, for who will be the prosecutors? The wife or the parents or guardian of the wife should be the prosecutor, and it is improbable that a wife or her parents or guardian would launch a prosecution against the husband or the son-in-law as the case may be. Therefore I am not surprised that the result of this legislation is nil. I think, Sir, that the improvement which has taken place in this respect is due more to the social reform work which has been carried on in this Presidency and elsewhere than to legislation undertaken by the Government of India. An hon. Member referred to Sati and said that Government had by legislation stopped that social system which was a crime. Well, Sir, the suppression of Sati is a different proposition altogether; for the crime is committed openly and cannot be easily concealed and the persons involved are, besides the woman who offers herself, those who consent to and promote it.

"The other line on which legislation is suggested is indicated in the Bill which is now before the Legislative Assembly introduced by Rai Sahib Harbilas Sarda. In that Bill no marriage of a Hindu girl is valid unless she has completed her 12th year and in the case of a boy unless he has completed his 15th year. Provision is made for marriage of a girl of 11 under licence from the District Magistrate.

"Now, Sir, I have already referred to the law embodied in the Penal Code prohibiting the consummation of marriage while the wife is under the age of 13. But the hon. the Deputy President informs us that she has known of cases where consummation took place when the girl is of the age of 11 or 12. And yet as we have seen the law is powerless to stop this. I am doubtful whether this Bill if passed will be more effective than the existing law. In the first place this provision is one of Civil law. Who would be the persons to take action against those who are guilty? Only persons who are interested in the property belonging to the husband, the wife or the children. The result would be that evidence will be produced to prove that the marriage is invalid and the children are illegitimate. That seems to me to be adding to the disabilities of early marriage under which women and their children are already suffering; but I am very doubtful whether legislation of this nature will deter the parents and guardian of children from giving them in marriage while they are too young. Certainly the parents and guardians will not suffer for their actions; but it is the unfortunate girls and their offspring that will really suffer. This legislation instead of bringing punishment to the real offenders will affect the objects of the offence in committing which they had no part or lot. For these reasons I am very doubtful whether any legislation can be undertaken which will be really effective in remedying the evils. And it is on these grounds that I have to oppose this motion. But let it not be understood that I oppose it out of want of sympathy on my part with the object in view. I trust that Dr. Muthulakshmi Reddi and her friends will carry on that propaganda for reform on these lines outside the legislature. I am quite

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sure that her efforts will be crowned with success and the reform will improve the health, prosperity and happiness of the people."

* Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" Mr. President, Sir, as for the question of social legislation Government have been enacting measures to put down certain evil social customs, e.g., Sati and Infanticide and have also passed Acts like the Widow Remarriage Act, Civil Marriage Act, etc. Therefore the question before the House is not whether the Government can undertake legislation of this kind or not, which question has been already settled once for all by the Legislative Assembly. Hon. Members may know that hon Harbilas Sarda's Bill has been introduced, discussed and referred to the Select Committee, which has submitted its report fixing the age for boys and girls at 18 and 14, respectively.

" Now I am simply requesting this Council to communicate their views on this very vital matter through this local Government to the Central Government. So, Sir, we need not discuss the preliminary question whether it is wise on our part to ask Government to undertake social legislation.

" The hon. Law Member says that Sati was a more serious evil and so Government could not but put it down with a firm hand—but my answer is that in my opinion and the opinion of the leaders of our society child marriage is a much more serious crime because, Sir, the practice of Sati involved only a few minutes suffering, while by this custom of child marriage the girl-child from the moment of her birth to her death undergoes one continuous life-long suffering as child-wife, child-mother and very often as a child-widow. So this is a very urgent and a very important measure from the national point of view as it concerns the health and happiness of millions of our girls and the welfare of the future race. If Widow Remarriage Act had not been enacted even the few widow remarriages could not have taken place. I may point out also to the House that a number of Native States as Baroda, Bharatpur, Kashmir, Kotah, Gondol and Rajkot have given us the lead in this matter having already enacted laws prohibiting early marriages in their State. The progressive countries in the world as Turkey, Egypt and Japan have not hesitated to enact laws to put down such pernicious social customs. When such is the case, I cannot understand why the Government should hesitate to give us the law that we need so much—a Government too that has seen the good effect of adult marriage in their country.

" Every social evil in this blessed country goes in the name of religion. What is custom after all? If any practice is observed for a few years owing to the exigencies of the times it becomes sanctified as a custom. So, let not the Government be frightened into inaction by the cry that religion is in danger. I may submit, here, that the society has derived no benefit at all from the age of consent Bill, because, Sir, as the Hindu law allows polygamy, the parent of the girl dare not refuse to send the girl to her husband's house when he demands her for fear that the boy may be remarried.

" As for social reform work and the education of the public we have been doing educative propaganda work all these fifty or sixty years and still the progress is very little. I have now figures on hand to show that early marriages are rather on the increase throughout India. If the Government could ask us to wait till every parent is educated, I am afraid, we will have to wait till Doomsday, because I know that those very same gentlemen

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who preach against early marriage on the platform on return home forget all about it and practise early marriage in their own family.

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p.m.

"So, Sir, preaching is one thing and practice is quite a different thing. The Government must understand that very often good laws have to be framed to educate the community. Have not the Government framed many health and sanitary laws in the interest of the community which necessarily must interfere with time-honoured habits and customs of the people. This marriage law is a very important health measure and it will save millions of our girls from unnecessary suffering, preventible disease and death. As a medical woman it has been my illfortune to witness with my own eyes much suffering and hardship resulting from the evil custom. Therefore I will most respectfully request the Government Members, in case they are not prepared to vote in favour of this resolution, at least to keep neutral leaving it to our Indian Members to settle this important question. I will once more appeal to the fathers and brothers who are here to cast their vote in favour of this resolution and thus save their daughters and sisters from the tragedy of child-wifhood, child-motherhood and enforced child-widowhood."

* The hon. Mr. T. E. Moir :—"Mr. President, Sir, I have very little to add to what the hon. the Law Member has said on this matter, at any rate as to the attitude of the Reserved half of the Government towards this resolution. Our great difficulty is really this. During the course of this debate we have been discussing two entirely separate issues. This question of the legal age for marriage raises two issues; one is the economic issue and the other is the physiological issue. Now as matters stand at present I think I am right in saying that there is no statutory provision as to the age at which a boy or a man may marry. In the case of the other sex the statutory age is at present fixed at 13. The resolution which we are discussing is that in the case of boys that age should be fixed at 21 and in the case of girls at 16. I think it is a great pity that owing to a tactical mistake on his part the amendment tabled by Mr. Arpudaswami Udayar did not come up before the House for discussion. If the ages which he proposed, i.e., 16 and 14 respectively were considered, I venture to submit that the argument by which that resolution would be commended to the House would lie on an entirely different plane from those arguments which can be used in defence of the ages of 21 and 16. I do not think that it would be argued that purely on physiological grounds in this country, or in any other country in the world we should set the age limit of 21 in the case of men; and it seems to me that in their case the proposal would have been supported and as a matter of fact, has mainly been supported on the economic ground. I do not deny the force of that argument. For my part it seems to me that it is a depressing thing that in this country many young men who are still at college and preparing themselves for a future career of profession should be hampered and distracted by the cares of family life. But that does not seem to me an argument in the least degree parallel to those arguments which our Deputy President has brought forward regarding early marriages, the kind of early marriages which we always have in mind when using the term and to which she referred when she was dealing with the question. And in making any recommendations to the Government of India at any rate as respects this age limit in the case of boys or men, it would be exceedingly difficult for this Government to convey to the Government of India what the

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exact argument were on which this far-reaching proposal was based. It does not seem to me that that argument goes beyond the economic sphere. I do not think we could possibly recommend to the Government of India that they should by legislation declare that no man in this country shall contract marriage until he has reached the age of 21, simply because in our opinion marriage before that age does in many cases as I have said, seem to us to bring unhappy, and in some cases, disastrous results on the future careers of young men. That is why I regret that it was not possible for the amendment tabled by Mr. Arpudasmami Udayar fixing the ages at 16 and 14 to be debated; because as it is we have nothing before us but the original resolution recommending the ages of 16 and 21. Now it may be said that in the case of girls when we are dealing with the age of 16, we are approaching more nearly to the physiological argument, that is to say, the argument based on the ground that marriage before a certain age, say 16, is detrimental not only to the health of young women but also detrimental to the health of their children and thereby to the health of the race and of future generations. My difficulty in dealing with this point is this, that although I have been present at debates on this very subject in the Assembly, the argument that from that point the age restriction should be 16 was never examined. As regards an earlier age, 13, when legislation to that effect was before the Assembly, the medical argument, the argument based on physiological and kindred considerations was exhaustively considered. But I am quite unable to say what answer the doctors would give or what their opinion would be if a proposal to raise the age to 16 were now put forward. It does seem to me that whereas the real intention of the mover of this resolution was to discuss the physiological argument and the case for any legislative measure that might be undertaken with reference to that physiological argument, owing to the fact that no amendments to the ages set down in the original resolution have been before the House for discussion the debate has fallen almost entirely into the economic grounds. With reference to this ground I do not think that we would possibly suggest to the Government of India that on economic grounds they should introduce legislation of this kind.

“As regards the other and far more important argument I do not think there is any Member of this House who could have listened to the eloquent statement of the case for her sex made by the Deputy President without sympathy. But in these matters we have to be practical and to consider the storm of opposition that was raised by the proposal to raise the age to 13 and the immense difficulties with which that slight advance was carried—I know well that the strongest opposition in the Assembly was offered by Members of that Assembly who hailed from the Madras Presidency. If it had been a question of further advance on the same lines as before then it is possible that our attitude might be changed; because then we shall be really be dealing with something that is of practical importance and might have practical effect. I believe that before the Government of India now there are proposals for legislation for making a further advance and that that further advance proposed is on the same lines as the previous advance. But it seems to me that the proposal now before the House cuts adrift from the line of advance which has hitherto been followed before, that it is not merely an advance, but a revolution based entirely on different arguments. Perhaps I might add that we, at any rate those belonging to a different race, do feel

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the greatest difficulty in dealing with a matter of this kind. Because, after all, while it is open to us—I am not referring to the proposal now before the House but to the Deputy President's speech—to say that these things ought not to be, the final decision does not rest with us to say that these things shall not be. It is for the communities which are intimately concerned with this question to say that these things shall not be. It may be that if some practical proposal on existing lines of advance were put before the House, we might have to say 'Well, here are many Members of this House who appeal to us for our aid in this matter, and we must seriously consider whether we shall give it.' That would be because we were considering some real practical proposals, something that had some chance of acceptance under the present social conditions in this country. Does any Member of this House think that if legislation to the effect that no boy shall marry before the age of 21, no girl before the age of 16, were put forward either here or in the Central Legislature to which such questions really belong, it would have any chance of acceptance?

1-30
p.m.

"Personally I can only regret that by the turn which this debate has taken we have really lost an opportunity of discussing and formulating our views by hearing arguments devoted to the real aspect of the question, arguments which would not have been confused or obscured by arguments drawn from an entirely different basis. I wish only to add that on consideration we on this bench have decided that as this is a matter of making a recommendation to the Government of India not one of legislation in this House, in which case circumstances would be different, we think that the only proper course is that such recommendation as this House desires to make on this matter should go forward as far as possible unaffected by official attitudes or views and that we ourselves do therefore propose not to take part in any division on this resolution should such a division take place."

* The hon. the PRESIDENT:—"The question is that 'this Council recommends to the Government that they may be pleased to communicate to the Government of India that in the opinion of this Council legislation raising the marriageable age of boys and girls to at least 21 and 16 years respectively, is necessary.'"

The motion was put to the House and declared carried.

* The hon. the PRESIDENT:—"The House will now adjourn and meet again at 2-30 p.m."

After Lunch (2-30 p.m.)

Diwan Bahadur M. KRISHNAN NAYAR:—"Mr. President, Sir, I do not move the following resolution standing in my name—

'This Council recommends to the Government that facilities be provided for the proper irrigation of the lands under the ayacut of the Peria eri in Agili village, Madurantakam taluk, Chingleput district, and that the orders issued in G.O. Mis. No. 157 I., dated 20th January 1928, be reconsidered for the benefit of the ryot population.'"

The following resolution which stood in the name of Mr. C. Ramasamayajulu was deemed to have been withdrawn as the hon. Member was not in his place:—

'This Council recommends to the Government that no action be taken in furtherance of resettlement in East Godavari, West